

(7663.)

EAST AFRICA PROTECTORATE.

NOTICE.

THE following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

C. E. ELIOT,

His Majesty's Commissioner and Consul-General.

Mombasa, December 27, 1901.

KING'S REGULATIONS UNDER ARTICLE 45 OF "THE EAST AFRICA ORDER IN COUNCIL, 1897," AND ARTICLE 11 OF "THE EAST AFRICA ORDER IN COUNCIL 1899."

No. 22 of 1901.

Adulteration of Produce.

1. In these Regulations—

"Produce" includes india-rubber, gutta-percha, caoutchouc, coffee, tea, cotton, gums, ivory, tobacco, grain, oils, rice, and every other produce, whether raw or partly or wholly manufactured.

To "adulterate produce" means to falsify, deteriorate, or increase the apparent bulk or weight, or conceal the inferior quality of produce by the combination, admixture, or addition therewith or thereto of some foreign, superfluous, or inferior substance, matter, or thing, whether deleterious or not, or by the addition of water, or by the use of artificial means, and it includes abstracting from produce part of it so as to injuriously affect its nature, substance, or quality.

2. Any person who shall adulterate, or cause or order to be adulterated, any produce, shall, subject to the provisions of these Regulations, unless he shall prove that he acted without intent to defraud, be guilty of an offence against these Regulations.

3. Any person who shall sell, or offer for sale, or have in his possession for sale, or who shall give or tender in payment or satisfaction of any debt, or who shall export, or procure, attempt, aid, or abet the exportation of any adulterated produce, shall be guilty of an offence against these Regulations, unless he shall prove that, having taken all reasonable precautions against committing any such offence, he had, at the time of its commission, no reason to suspect the genuineness or purity of the produce, and that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the person or persons from whom he obtained the produce.

4. The collection of root-rubber and the extraction of rubber from boiled bark are hereby prohibited; and any person who sells, purchases, or is found in possession of any root-rubber or rubber extracted from boiled bark shall be guilty of an offence against these Regulations.

5. Every ball of rubber must be cut through the centre, and must not be offered for sale or exported otherwise than in half-balls.

6. Any Magistrate, if satisfied that there is reasonable ground for suspecting that any produce so adulterated or any rubber so collected, extracted, or adulterated as aforesaid is on any premises or at any place within his district, may grant a warrant to search such premises or place, and if any such produce or rubber is found thereon it may be seized and taken before a Magistrate, to be dealt with according to law.

7. Any person who, being within the Protectorate, procures, aids, or is accessory to the commission without the Protectorate of any act, which, if committed within the Protectorate, would be an offence against these Regulations, shall be guilty of that offence as a principal, and be liable to be charged, tried, and convicted in any part of the Protectorate in which he may be, as if the offence had been there committed.

8. Any person committing a breach of these Regulations shall be liable, on conviction, to a fine not exceeding 300 rupees, or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both, and on a second or subsequent conviction to a fine not exceeding 1,500 rupees, or to imprisonment, with or without hard labour, for a term not exceeding two years, or to both, and in any case, to forfeit to His Majesty every article or thing by means of or in relation to which the offence was committed.

9. In every case of a second or subsequent offence against these Regulations the Court, in addition to any penalty imposed by the preceding Article, may order the offender's name, occupation, place of abode, and place of business, and particulars of his punishment, to be published at the expense of such offender in such Gazettes or newspapers or in such other manner as the Court may think fit.

10. No prosecution for an offence against these Regulations shall be commenced after the expiration of three years after the commission of such offence, or of one year after the discovery thereof by the prosecutor.

11. Upon any prosecution under these Regulations, the Court may order costs to be paid to the defendant by the prosecutor or to the prosecutor by the defendant, having regard to the information given by, and the conduct of, the defendant and the prosecutor respectively, and may (subject to disallowance by His Majesty's Commissioner) order an informer to receive a sum not exceeding one-half of any penalty recovered in consequence of such prosecution.

12. On the sale, or in the contract for the sale, of any produce the seller shall be deemed to warrant that the produce is not adulterated, unless the contrary be expressed in some writing, signed by or on behalf of the seller, and delivered at the time of the sale or contract to and accepted by the purchaser.

13. "The Rubber Regulations, 1899," are hereby repealed.

14. These Regulations may be cited as "The Adulteration of Produce Regulations, 1901."

C. E. ELIOT,

His Majesty's Commissioner and Consul-General.

Mombasa, December 27, 1901.

Allowed :

LANSDOWNE,

*His Majesty's Principal Secretary
of State for Foreign Affairs.*

East Africa Protectorate. 27 Dec. 1901. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 31 Aug. 2015.

URL

<http://tinyurl.galegroup.com/tinyurl/eia89>